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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 In Re: Case No. 25-10088 WJL
12 Kingsborough Atlas Tree Surgery, Inc. Chapter 11
13 Debtor.

14 NOTICE OF MOTION FOR AUTHORITY
15 TO SELL PERSONAL PROPERTY BY
16 AUCTION OPPORTUNITY FOR
17 HEARING

18 Kingsborough Atlas Tree Surgery, Inc. (“Debtor”) has filed a motion for authority to sell
19 personal property by auction pursuant to 11 USC § 363(b). The Motion seeks authority to sell
20 by auction Debtor’s titled/certificated trucks, trailers and other vehicles and from the proceeds
21 pay the lenders that are secured by the assets to be sold, with the balance of the sale proceeds
22 paid to the estate. When the Chapter 11 was filed Debtor estimated the value of its
23 titled/certificated trucks and trailers to be in the range of 1.5 to 2.0 million dollars. This total has
24 been reduced by the assets that have been sold with court approval and the assets that were
25 recovered and liquidated by First Financial Holdings. A schedule of the assets to be sold is
26 attached to the motion as Exhibit A and is available upon request.

27 On July 21, 2025, an order was entered appointing Grafe Auction and Dudley Resources
28 (“Grafe”) as online auctioneer to evaluate and liquidate property of the estate. Grafe has agreed to

1 market and sell various pieces of equipment on behalf of Debtor for a commission of 7.5 % of
2 the sale price, exclusive of sales tax. Grafe will also be paid by the purchasers of the equipment
3 an industry-standard buyer's premium of 15%. At the conclusion of the auction sale, Grafe will
4 also be paid \$62,500 for pre-auction tag/catalog/photography and sale catalog creation,
5 advertising and marketing and post-auction management. There is to be a floor or minimum on
6 equipment that is collateral for titled/certificated trucks and trailers that are subject to the security
7 interests held by various lenders such that the secured lenders must be paid in full for the asset
8 being sold unless the secured lender agrees to a different treatment. Any party who would like to
9 participate in the auction should contact Debtor's counsel for details of the sale.
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12 OPPORTUNITY FOR HEARING

13 Notice of the Sale is given pursuant to B.L.R. Section 9014-1(b)(3), which provides that
14 unless otherwise ordered, a party in interest may, in certain situations, initiate a request for relief,
15 without setting a hearing by giving notice that a request for relief governed by B.L.R. 9014-
16 1(b)(3) shall be accompanied by a Notice and Opportunity for Hearing.
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18 1. Any objection to the requested relief, or a request for hearing on the matter, must
19 be filed and served upon the initiating party within 21 days of mailing of the notice;

20 2. A request for hearing or objection must be accompanied by any declarations or
21 memoranda of law the party objecting or requesting wishes to present in support of its position;

22 3. If there is no timely objection to the requested relief or a request for hearing, the
23 court may enter an order granting the relief by default;
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25 4. If there is a timely objection to the requested relief or a request for hearing, a
26 hearing will be held on not less ten (10) days notice to the objecting in the in the courtroom of
27 the Honorable William Lafferty, 1300 Clay Street, Room 220, Oakland, CA 94612. Parties may
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1 participate in the hearing by video conference. The procedure for appearing by Tele/Video
2 Conference can be found at www.canb.uscourts.gov.

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5 Dated: August 15, 2025

/s/ Michael C. Fallon

Michael C. Fallon

Attorney for Debtor
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